IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 6487 OF 2005
ALONGWITH
CRIMINAL APPLICATION NO. 6488 OF 2005

M/s. Bharat Fertilizer Industries Limited & Ors ...Applicants

Versus

State of Maharashtra & Ors ...Respondents

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Mrs. Asha Kanakia, Advocate for Applicants.

Mr.V.B. Konde Deshmukh, A.P.P. in Appln 6487/05
Mr. B.H.Mehta, A.P.P. in Appln. 6488/05

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 7TH OCTOBER, 2005

P. C.:-

1. Heard the learned advocate for the applicants and the learned A.P.P. for the State.

2. The applicants have prayed for quashing of process issued against them in Criminal Case No. 2248 of 2004 and 2249 of 2004 which are pending in the Court of learned J.M.F.C. Court No.3 Nashik. In the said cases, process has been issued against the applicants under Section 138 of Negotiable Instruments Act.

3. For the reasons recorded in the decision of this

Court in the case of **V.K. Jain & Ors. Vs. Pratap Vs. Padode and Anr, reported in 2005(3) Mh.L.J. 778,** in my opinion, the applicants have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the applicants prefer revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicants to prefer revision before the concerned Sessions Court. The learned advocate for the applicants states that the necessary revision would be preferred within a period of four weeks from today. I am informed that the date before the trial court is on 17.10.2005. In view of this statement, the trial Court shall not proceed with the trial on 17.10.2005 and for a period of three weeks thereafter.

5. On the necessary revision being preferred by the applicants before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing necessary parties.

6. Applications are disposed of.

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